

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY PCT

(Chapter II of the Patent Cooperation Treaty)

REG'D 02 AUG 2005

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2004P06246WO	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/EP2004/050575	International filing date (day/month/year) 21.04.2004	Priority date (day/month/year) 21.04.2003
International Patent Classification (IPC) or national classification and IPC H04L12/56		
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).		
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application		
Date of submission of the demand 25.10.2004	Date of completion of this report 01.08.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer DE LA PENA ALVAREZ Telephone No. +31 70 340-	



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

2-7 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1-3 as originally filed

Drawings, Figures

1-4 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V.

The following documents are referred to in this communication:

D1: US-B-6 252 8491 (SIDI MOSHE ET AL) 26 June 2001
D2: US 2002/097677 A1 (MILLIKEN WALTER C ET AL) 25 July 2002

1 The International Preliminary Examination Authority (IPEA) considers that the subject-matter of claims 1-7 is new and inventive in the sense of Art. 33(2) and (3) PCT.

1.1 Independent claim 1

Document D1 discloses (the references in parentheses applying to this document), in terms of claim 1, an apparatus for controlling traffic over a network (abstract), comprising:

- a switching processor, including a plurality of ports connectable to a network line (col. 4, lines 17-33) and packet counter registers for storing counting information on packets ingressed and egressed through said plurality of ports (col. 4, line 51 to col. 5, line 4) and for controlling ingress and egress packet traffic volume for each of said plurality of ports in response to an input traffic control command (abstract; col. 5, lines 52-65).

The subject-matter of claim 1 differs from what is already disclosed in document D1 in that the apparatus further comprises a controller for registering, as a user value, traffic volume for each of said plurality of ports in an internal register, said traffic volume being inputted through a data input unit, and for comparing a user value for each of said plurality of ports with a value in a respective one of said packet counter registers for said each port so as to output said input traffic control command for said each port to said switching processor.

The subject-matter of claim 1 is based therefore on the objective technical problem of how to adapt the apparatus to meet the traffic requirements of different customers.

None of the documents known from the prior art suggests or hints at the solution of the objective technical problem as solved by the differing features.

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Therefore, the subject-matter of claim 1 is inventive (Art. 33(3) PCT).

1.2 Claims 2 and 5

Independent apparatus claim 2 and method claim 5 cover essentially the same subject-matter of claim 1. Therefore, the subject-matter of claims 2 and 5 is also inventive (Art. 33(2) PCT).

2 Dependent claims 3, 4, 6, 7

Dependent claims 3, 4, 6, 7 include all of the features of the independent claims to which they refer, and hence claims 3, 4, 6, 7 also meet the requirements of the PCT in respect of inventive step.